

 You replied on 8/21/2008 2:50 PM.
This message was sent with high importance.

Gallaway, Ann

From: Halbert, Wanda
To: Lowery, Myron
Cc: Fuhrmann, Maria; Gallaway, Ann
Subject: Charter Commission Request:
Attachments:

Sent: Thu 8/21/2008 2:44 PM

RE: Approved referendum requiring elected official charged with official malfeasance be suspended with pay pending resolution of the matter

While I support this referendum offer in theory, it leaves too many unanswered questions. Therefore, I am requesting the Charter Commission reconsider its vote on this issue for the following reasons:

A) It is a reasonable argument this recommendation is too vague in nature and lacks an adequate definition of the term, "pending resolution of the matter."

B) It potentially challenges one's constitutional rights under the United States of America's definition of; "guilty until proven innocent by a jury of his/her peers" by forcing discipline indefinitely for what could be determined an innocent or discharged verdict.

C) While the current language could not have retroactive application without violating the constitutional guarantee of due process, the governing agency would not have the authority to control the timing of investigations and would potentially deprive the voters of due representation (where is the established process to replace the elected representation).

I would simply like to remind the Charter Commission of the recent case against a former Councilmember. After two years of being charged, a case was dismissed resulting in no sentence of guilt.

Please ensure there is a process in place prior to this kind of decision so you will respect and protect the rights granted by our constitution of the United States of America.

Sincerely,

Wanda Halbert
Memphis City Council